

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

HENRY J. LANERI, III

PETITIONER

v.

CIVIL ACTION NO. 1:23-cv-51-TBM-MTP

BURL CAIN

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the submission of the Report and Recommendation [7] entered by United States Magistrate Michael T. Parker on November 2, 2023. Judge Parker recommends granting Burl Cain's Motion to Dismiss [5] and dismissing Henry J. Laneri's Petition for Writ of Habeas Corpus [1] pursuant to 28 U.S.C. § 2254 with prejudice. Laneri has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) ("When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Parker's Report and Recommendation, the Court finds it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that Report and Recommendation [7] entered by United States Magistrate Michael T. Parker on November 2, 2023, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that Burl Cain's Motion to Dismiss [5] is GRANTED.

IT IS FURTHER ORDERED AND ADJUDGED that Henry J. Laneri's Petition for Writ of Habeas Corpus [1] pursuant to 28 U.S.C. § 2254 is DISMISSED WITH PREJUDICE.

THIS, the 21st day of November, 2023.



TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE